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UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 20 2004

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WILLIAM S. DALTON, ERIC SULDA and PATRICK S. DALTON

Application No. 09/543,951

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on May 5, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On July 29, 2003, an Examiner's Answer was mailed (Paper No. 23). A review of the Examiner's Answer reveals that there is insufficient evidence that an appeals conference was conducted by the examiner. The Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., Rev. 1, 2003) states:

On the examiner's answer, below the primary examiner's signature, the word "Conferee should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

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This answer does not conform to the above requirement.

Accordingly, it is

ORDERED that the application is returned to the examiner

(a) for the examiner to have the conferees appropriately sign/initial the

Examiner's Answer to indicate that a conference was held,

(b) notification to appellants in writing that the appeal conference was held, and

(c) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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DMS/vsh
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